

TITLE 2: PUBLIC MORALS, SAFETY AND WELFARE

DIVISION 5: MINORS

Chapter 2: DAYTIME LOITERING ON SCHOOL DAYS

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25.021 Purpose.

The purpose of this Chapter is to protect the health, safety and welfare of both the community and unsupervised truants and to address those problems minors create when they loiter in public places during school hours. Because of their lack of maturity and experience, unsupervised students may involve themselves in unsafe activities by loitering; some unsupervised students may engage in criminal activity to the detriment of the community; and some unsupervised students may become a burden on police who must return them to school, wait for parents to pick them up, and/or investigate any and all criminal activity related to the students' truancy. Truant minors also lose educational opportunities and their unexcused absences result in a loss of state and federal funding to the detriment of all students. As a result, therefore, the Board of Supervisors of the County of San Bernardino finds and determines that a special need exists for the adoption of a juvenile loitering ordinance.

Adopted Ordinance 3653 (1996);

25.022 Prohibited acts.

(a) Minors. It is unlawful for any minor under the age of eighteen years, who is subject to compulsory education or to compulsory continuation education, to loiter, idle, wander, stroll or play in or upon public street, highway, road, alley, park, playground, parking area, or other public ground, public place or public building, place of amusement or eating place, vacant lot, or any place open to the public in the unincorporated area of the County of San Bernardino, State of California, during those hours that his or her school is in session.

(b) Parents/guardians. It is unlawful for the parent or guardian of any minor to knowingly permit or by insufficient control to allow the minor to be in violation of section 25.022(a).

Adopted Ordinance 3653 (1996); Amended Ordinance 3719 (1998);

25.023 Valid excuses.

The provisions of this Chapter shall not apply when the minor has one or more of the following valid excuses:

1. The minor is accompanied by his/her parent, guardian or other adult person having the care and custody of the minor;
2. The minor is upon an emergency errand directed by his/her parent, guardian or other adult person having the care and custody of the minor.
3. The minor is going directly to or returning directly from his/her place of school-approved employment and the minor has in his/her possession verification of employment;
4. The minor is going directly to or returning directly from a medical appointment and has in his/her possession verification of such medical appointment;
5. The minor has permission to leave campus for lunch and has in his/her possession a valid, school-issued off-campus permit;
6. The minor is attending, going directly to or returning directly from a school sponsored activity, such as a sporting event, field trip, movie or play and the minor has in his/her possession verification of such school sponsored activity; or
7. The minor is going directly to or returning directly from an event or activity that is directly related to any medical condition of a parent, guardian or other adult person having the care and custody of the minor.

Adopted Ordinance 3653 (1996);

25.024 Enforcement procedure.

Upon any violation of section 25.022(a), a peace officer may issue a citation to the minor and may also do one of the following:

1. detain the minor until he or she can be placed in the care and custody of his/her parent, guardian or other adult person having the care and custody of the minor.
2. transport the minor to his/her home;
3. transport the minor to the school from which the minor is absent.

Upon the minor's second and subsequent citations for violation of section 25.022(a), a peace officer may also issue a citation to the minor's parent or guardian for violation of section 25.022(b).

Adopted Ordinance 3653 (1996);

25.025 Infraction -- Penalty.

Violation of section 25.022(a) shall constitute an infraction and may be punishable by a fine not to exceed \$250 and/or by a requirement to perform community service for a total time not to exceed 20 hours over a period not to exceed 30 days, during times other than the minor's hours of school attendance or employment.

Violation of section 25.022(b) shall constitute an infraction and may be punishable by a fine not to exceed two hundred fifty dollars (\$250).

Adopted Ordinance 3653 (1996);

25.026 Hearing requirement -- Parental obligation to attend.

A minor cited for an infraction under this Chapter shall attend a court hearing on the infraction and shall be accompanied at the hearing by his or her parent, legal guardian, or other adult person having the legal care or custody of the minor. If any such parental or custodial person fails to attend the hearing with the minor, and unless the interests of justice would otherwise be served, the court shall continue the hearing and shall issue a citation to the parental or custodial person, directing him/her to appear at the continued hearing with the minor.

At the hearing the minor's parent or guardian shall be advised that the minor was cited for a violation of section 25.022(a). The parent or guardian shall be warned of his/her responsibility and liability under section 25.022(b)

Adopted Ordinance 3653 (1996);

25.027 Cost recovery.

When a minor has been detained by the San Bernardino County Sheriff's Department as a result of the minor's violation of section 25.022(a), the minor's parent or guardian shall be liable for the cost of providing services relating to the detention, processing or supervision of the minor beyond those services normally provided by the Sheriff's Department if:

1. the minor was detained by the Sheriff's Department for a period of time in excess of one hour; and
2. a court of competent jurisdiction finds the minor violated section 25.022(a).

If the parent or guardian is liable under this section for the cost of providing services, the Sheriff's Department may assess and bill the parent or guardian as provided in the fee provisions of the County Code.

Any person receiving a bill for services under this section may, within ten (10) days after the date of the bill, file a written appeal with the Clerk of the Board of Supervisors. The requirement to pay the charges shall be stayed during the pendency of the appeal. Any billing sent pursuant to this section shall notify the billed party of the right to appeal the charges.

The Board of Supervisors shall designate a person to sit as a hearing officer to hear any appeal under this section. At the direction of the hearing officer, notice of the date, time, and place of the hearing shall be mailed to the appellant. The hearing shall be informal and the formal rules of evidence shall not apply. Within ten (10) days after the hearing, the hearing officer shall give written notice of the decision to the appellant. If the appeal is denied in part or in full, all amounts found due to the County shall be paid within thirty (30) days of the notice of the hearing officer's decision.

Adopted Ordinance 3653 (1996);

25.028 Severability.

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held to be invalid, preempted or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter. The Board of Supervisors of the County of San Bernardino hereby declares that it would have adopted the ordinance establishing this Chapter and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid, preempted or unconstitutional.

Adopted Ordinance 3653 (1996);